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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jason Crews,

No. CV-25-00024-PHX-KML

10 Plaintiff,

ORDER

11 v.

12 Travel Club Enterprises LCC, et al.,

13 Defendants.

15 In January 2025 plaintiff Jason Crews filed his original complaint alleging he
16 received two calls in violation of the Telephone Consumer Protection Act. Crews filed
17 proofs of service for both defendants in March 2025. (Doc. 11, 12.) After filing those proofs
18 of service, Crews filed an amended complaint identifying a third call Crews allegedly
19 received from defendants. (Doc. 14.) Crews did not sign the amended complaint and there
20 is no indication Crews served the amended complaint on defendants.

21 Approximately one month after filing his amended complaint, Crews applied for
22 entry of default against defendant Travel Club Enterprises LLC, and the Clerk of Court
23 entered that default. (Doc. 15.) Crews also attempted to apply for entry of default against
24 defendant Alexandra Olson but submitted an application naming Travel Club, not Olson.
25 (Doc. 17.) Olson's default has not been entered. (Doc. 18.)

26 Fed. R. Civ. P. 11(a) requires “[e]very pleading, written motion, and other paper
27 must be signed” by an attorney or a party personally. That same rule requires the court
28 “strike an unsigned paper unless the omission is promptly corrected.” Fed. R. Civ. P. 11(a).

1 Crews did not sign his amended complaint, and he must either file a signed version of that
 2 complaint or state he does not oppose striking the amended complaint. If the amended
 3 complaint is stricken, the original complaint will be reinstated. *See Ebrahimi v. Baldwin*,
 4 No. 18-CV-01350-NJR-MAB, 2019 WL 13030003, at *2 (S.D. Ill. Dec. 13, 2019) (striking
 5 complaint and reinstating original complaint); *Aetna Life Ins. Co. v. Phillips*, 69 F.2d 901,
 6 903 (10th Cir. 1934), *overruled on other grounds by Davis v. TXO Prod. Corp.*, 929 F.2d
 7 1515 (10th Cir. 1991) (“Where . . . an amended or supplemental pleading is stricken from
 8 the files, the original pleading is restored.”).

9 If Crews wishes to proceed on an amended complaint after signing it, he faces an
 10 additional complication. Fed. R. Civ. P. 5(a)(1)(B) requires a plaintiff serve “a pleading
 11 filed after the original complaint” but service is not required “on a party who is in default
 12 for failing to appear.” Fed. R. Civ. P. 5(a)(2). Crews filed his amended complaint *before*
 13 Travel Club’s default was entered and Olson’s default still has not been entered. If Crews
 14 cures his failure to sign the amended complaint, he must serve the amended complaint on
 15 both defendants.¹ *Arnold v. Farmers Ins. Exch.*, No. 18-CV-02982-KAW, 2018 WL
 16 3777136, at *2 (N.D. Cal. Aug. 9, 2018) (“the fact that Plaintiff had served the first
 17 amended complaint is insufficient to support entry of default; Plaintiff must serve the
 18 operative complaint on [Defendant] before default can be entered”).

19 Crews must decide whether he wishes to proceed on the original complaint or file a
 20 signed version of his amended complaint. If Crews wishes to proceed on an amended
 21 complaint, he must serve defendants with that complaint. If Crews elects to proceed on an
 22 amended complaint and no defendant responds to the signed amended complaint, Crews
 23 must apply for entry of default against each defendant. And if defendants’ defaults are
 24 entered, Crews must file his motion for default judgment.

25 Accordingly,

26 **IT IS ORDERED** no later than **July 7, 2025**, plaintiff shall file either an amended

27 ¹ A signed version of the complaint will be deemed filed as of the date of the unsigned
 28 version, *i.e.* before Travel Club’s default was entered. *McGraw v. Gore*, 31 F.4th 844, 853
 (4th Cir. 2022) (signed version of complaint relates back to date unsigned complaint was
 filed). Crews therefore must serve the amended complaint on Travel Club.

1 complaint that is signed or a statement that he does not oppose the court striking his
2 amended complaint.

3 **IT IS FURTHER ORDERED** if plaintiff files an amended complaint, he must file
4 proof he served that complaint on defendants. That proof must be filed within **three days**
5 of the amended complaint being filed.

6 **IT IS FURTHER ORDERED** if Crews files an amended complaint and no
7 defendant responds to the complaint within fourteen days of service, plaintiff shall apply
8 for entry of default within **five days** of the expiration of defendants' response deadline and
9 plaintiff shall apply for default judgment within **five days** of the entry of defendants'
10 defaults.

11 **IT IS FURTHER ORDERED** if plaintiff does not oppose striking the amended
12 complaint, no later than **July 7, 2025**, he shall apply for entry of default against defendant
13 Alexandra Olson and file a motion for default judgment within **five days** of Olson's default
14 being entered.

15 Dated this 30th day of June, 2025.

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19 **Honorable Krissa M. Lanham**
20 **United States District Judge**
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